



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

Radiation Control Board

Peter A. Jenkins, CHP, Ph.D. – *Chair*
Scott Bird – *Vice Chair*
Brady Bradford
Dick Codell, Ph.D.
Jerry Hurst, Tooele County Commissioner
Lindsey Christensen Nesbitt, Ph.D.
Ulrich Rassner, M.D.
Matt W. Rydalch
Amanda Smith – *Executive Director*
Rusty Lundberg, *Executive Secretary*

MINUTES OF THE UTAH RADIATION CONTROL BOARD

November 10, 2014

Department of Environmental Quality
Multi Agency State Office Building
Conference Room 1015, 195 North 1950 West, Salt Lake City, Utah

BOARD MEMBERS PRESENT

Scott Bird
Commissioner Jerry Hurst
Brady Bradford (via phone)
Richard Codell, Ph.D. (via
phone)
Lindsey Christensen Nesbitt, Ph.D.
Amanda Smith, Executive Director DEQ
Rusty Lundberg, Executive Secretary

BOARD MEMBERS ABSENT/EXCUSED

Peter Jenkins, CHP, Ph.D.
Ulrich Rassner
Matt Rydalch

DRC STAFF/OTHER DEQ MEMBERS PRESENT

Craig Jones, DRC Section Manager
Phil Goble, DRC Section Manager
John Hultquist, DRC Section Manager
Laura Lockhart, AG Staff
Ryan Johnson, DRC Staff
Mike Givens, DRC Staff
Connie Rauen, DRC Staff
Spencer Wickham, DRC Staff
Scott Baird, DEQ Staff
Donna Spangler, DEQ Public Information Officer
Don Verbica, DEQ Staff

PUBLIC

Dan Shrum, EnergySolutions
Robert Sobocinski, EnergySolutions
Mark Walker, EnergySolutions
Vern Rogers, EnergySolutions
Janet Jenson, Jenson & Guelker
Gary Guelker, Jenson & Guelker
Tim Gillie, Tooele Transcript
Matt Pacenza, HEAL Utah
Rod Decker, KUTV News
Todd Dinsmore, KUTV News
Pete Deluca, Fox 13 News

I. Welcome

Mr. Scott Bird, Vice Chairman, called the meeting to order at 1:00 p.m. He welcomed the Board Members and the public.

- II. Mr. Rusty Lundberg, Director, informed the Board that on October 16, 2014, the Division was notified that a nuclear density gauge had fallen off a pickup truck and was lost. Mathew Bryant and his son found the gauge and returned it to the licensee on October 17, 2014. The Division appreciates Mr. Bryant and his son returning the lost gauge and has issued them a letter of appreciation.

III. Approval of the Minutes from the October 14, 2014 Board Meeting

Mr. Scott Bird, Vice Chairman, asked if any members of the Board had any corrections to the minutes for the October 14, 2014 Board Meeting. None were requested.

MOTION MADE BY COMMISSIONER JERRY HURST TO APPROVE THE MINUTES OF OCTOBER 14, 2014.

SECONDED BY DR. LINDSEY NESBITT.

MOTION CARRIED AND PASSED UNANIMOUSLY.

IV. Administrative Rulemaking

- a. Final adoption of proposed changes to R313-24-1 and approval of filing a change in proposed rule for R313-17-4 - Ms. Laura Lockhart, AG Staff, presented information concerning changes to rule R313-24-1. The proposed changes went out for public comment and the public comment period closed on October 1, 2014. No comments were received regarding the proposed changes to R313-24-1. Ms. Lockhart recommended that the Board approve the changes to R313-24-1 for final adoption and set an effective date of December 30, 2014.

Ms. Lockhart also explained that comments were received for rule R313-17-4 during the public comment period that ended on October 1, 2014. Comments were received from Uranium Watch, Energy Fuels Resources Inc., and the Nuclear Regulatory Commission. As a result of the comments, additional changes are being proposed. Ms. Lockhart explained that she recommends the proposed changes be addressed through a Change in Proposed Rule. The Director recommended the Board approve filing of the Change in Proposed Rule R313-17-4 with the Division of Administrative rules for publication on December 1, 2014. The Director also recommended a 30-day comment period.

MOTION MADE BY DR. LINDSEY NESBITT TO ACCEPT R313-24-1 FOR FINAL ADOPTION WITH AN EFFECTIVE DATE OF DECEMBER 30, 2014.

SECONDED BY COMMISSIONER JERRY HURST.

MOTION CARRIED AND PASSED UNANIMOUSLY.

MOTION MADE BY DR. LINDSEY NESBITT TO ACCEPT THE DIVISION'S RECOMMENDATION TO ADOPT R313-17-4 WITH THE PROPOSED CHANGES AND SEND OUT THE RULE FOR PUBLIC COMMENT.

SECONDED BY COMMISSIONER JERRY HURST.

MOTION CARRIED AND PASSED UNANIMOUSLY.

V. Information Items

- a. Nuclear Regulatory Commission
 - i. Commission Changes - Mr. Rusty Lundberg informed the Board that two new Commissioners (Steven Burns and Jeffery Baran) have now been sworn in and confirmed, bringing the Commission to its full five members. However, the Chairman of the NRC, Allison Macfarlane, has announced that she will resign to take a teaching position at George Washington University effective January 1, 2015.
 - ii. Branch Technical Position, Concentration Averaging and Encapsulation - Mr. Rusty Lundberg gave the Board a status update on the guidance document used by generators for waste classification. The revised version is expected to be released by the end of the year.
 - iii. 10 CFR Part 61 Rulemaking - Mr. Rusty Lundberg updated the Board on the rule for low level radioactive waste disposal which is important to the State of Utah with the EnergySolutions Clive disposal facility. The NRC anticipates the final version of the proposed rule will be published in the Federal Register for public comment by February 2015.
- b. Uranium Mills
 - i. Shootaring Canyon Mill - Uranium One / Anfield Resources - Mr. John Hultquist provided an update on the transfer of control request of the Shootaring Canyon Uranium Mill to Anfield Resources. It is anticipated that this will be completed by November 30, 2014, and no later than December 31, 2014. Mr. Rusty Lundberg also added that all the transfer documents are available online.
- c. Low-level Radioactive Waste - EnergySolutions
 - i. Depleted Uranium Performance Assessment: HEAL Utah Presentation - Mr. Matt Pacenza reviewed the Board's history of involvement regarding depleted uranium. Mr. Pacenza also discussed the Division's review of the EnergySolutions Depleted Uranium Performance Assessment. He asked the Board to get involved in the decision making process when it goes out for public comment in January 2015.
- d. Other Division Items

- i. News Article - London Fog Proposal - U.S. Army Dugway Proving Grounds - Mr. Craig Jones updated the Board on a meeting he attended in Wendover, Utah on Thursday November 6, 2014 regarding proposed actions to take place at the U.S. Army Dugway Proving Ground. The purpose of the meeting was to discuss the proposed testing process to evaluate monitoring equipment. The Army plans on conducting a release of chlorine and Carbon-14. The approval for the release of chlorine is being done by the Utah Division of Air Quality. In order to release Carbon-14, the Army will require a change in their license with the Nuclear Regulatory Commission.

VI. Public Comment

Meeting Adjourned at 2:24 p.m.

VII. **Next Scheduled Board Meeting: Tuesday, December 9, 2014, 10:30 a.m.** Multi Agency State Office Building, Board Conference Room #1015 195 North 1950 West Salt Lake City, Utah

For those individuals needing special assistance in accordance with the Americans with Disabilities Act, please contact Dana Powers at the Utah Department of Environmental Quality, at 195 North 1950 West, Salt Lake City, UT 84116, Office of Human Resources at (801) 536-4412, TDD (801) 536-4414, or by email at: dpowers@utah.gov.